

AREA PLAN COMMISSION OF TIPPECANOE COUNTY

**ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....February 5, 2003
TIME.....5:00 P.M.
PLACE.....COUNTY OFFICE
BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Jan Mills
Karl Rutherford
Jack Rhoda
Mark Hermodson

STAFF PRESENT

James Hawley
Kathy Lind
Krista Trout
Joanna Grama, Atty.

Jan Mills called the meeting to order.

I. APPROVAL OF JANUARY 2, 2003 MEETING MINUTES

Jack Rhoda moved to approve the minutes from January 2, 2003. Mark Hermodson seconded and the motion was carried by voice vote.

II. CHILDCARE FACILITIES IN AGRICULTURAL ZONES

Krista Trout read a memo regarding whether or not child care centers should be allowed by special exception in the A and AW zones. Staff recommended that the current wording of the UZO is adequate, it concurs with the Indiana Administrative Code and should not be changed. She informed the Committee that a letter has been sent to Juan Alvarez reiterating what is allowed on his property.

James Hawley informed the Committee that Juan and Maria Alvarez did not appear at the Commissioners' meeting and therefore their rezone petition was denied.

III. EXCAVATING AND BUILDING CONTRACTORS IN RURAL ZONES

Kathy Lind read the second draft of the UZO changes for certain primary uses in AG zones.

Jack Rhoda asked if everyone was comfortable with the six-foot high fence restriction. He wondered if that would be high enough.

Mark Hermodson said that if it was any higher then the fences themselves would become eyesores.

James Hawley stated that the objective here is to allow certain business situations without their becoming offensive to the neighbors.

Jan Mills stated that the second draft looked exactly like what the Committee had asked for.

Al Levy stated that this discussion started out regarding primary uses in an A zone. He mentioned that he does not recall any discussion to include AA or AW. He said that in protection of the farmland, he questions whether AA should be included.

Mark Hermodson stated that the intention was to include all the agricultural zones.

James Hawley stated that Al Levy raises a good point. He said this could raise the issue of businesses being created in the AA district where homes are completely eliminated.

Jan Mills pointed out that it would still have to be a special exception.

James Hawley stated that was correct.

Karl Rutherford stated that there is a fair amount of land that is zoned AA and should not be.

James Hawley stated that there is also a fair amount that should be AA and is not.

Karl Rutherford stated that he agreed with that. He said that there are some circumstances of people in AA zones that this would fit. He pointed out that even if they don't they are not going to farm their barn lot. He said that calling it an AA does not make it an AA.

Jack Rhoda asked if it could legally be limited to A zones.

James Hawley stated yes it could be limited to a single district. He said many uses are restricted to a single zone. He said that it was pretty clear that the Commissioners were comfortable with the special exception concept in the Ag districts.

Al Levy pointed out that landscaping may or may not be opaque or 6 feet tall. He suggested "opaque fencing, berming or other combination, at least 6 feet high". He said that most landscaping would not fulfill the objectives.

James Hawley pointed out that even the evergreens that are planted around mineral extraction areas, are given a period of time to grow. He said that if the intent is to be unobtrusive the landscaping might not work.

Jan Mills pointed out that topic was discussed at the last meeting.

James Hawley suggested that landscaping should be eliminated.

Karl Rutherford stated that he thought it should be included. He gave the example that a three-foot high berm with a three-foot bush would work.

Al Levy said that if the growth were successful, that would work. He pointed out that there would still be a waiting period of 2-3 years.

Jack Rhoda pointed out the two extremes from an opaque fence to see-through shrubbery.

Karl Rutherford stated that the original point was the aesthetic difference between a chain link fence with slats and a bush. He said that in some cases an opaque fence would not be the best solution.

Jack Rhoda asked if there was a definition of continuous landscaping.

Mark Hermodson stated yes, it was well defined in the ordinance.

Al Levy reiterated his point that the requirements are listing opposite goals. He said that it should be one way or another.

Ron Highland stated that he agreed with Al Levy. He questioned how landscaping was to be defined in terms of enforcement. He said that there is a wide variety of buffering offered in the ordinance. He said that clarification was needed on the combination of landscaping and berming. He gave several examples of combinations and asked if they would be acceptable.

Several members replied yes.

Jan Mills stated yes as long as it is hidden and enclosed.

Karl Rutherford said yes, so long as the person is also living there.

Ron Highland asked what would be considered right and what would be considered wrong.

Jan Mills stated it would be wrong if it were not enclosed.

Ron Highland stated that it would end up with Al Levy making a judgment call.

Jack Rhoda asked to hear the definition of continuous landscape.

James Hawley stated that it was not in the ordinance.

Jack Rhoda said that someone said it was.

James Hawley stated there were definitions for bufferyards and the different types of planting permitted.

Mark Hermodson asked what they needed to specify.

James Hawley said that the types of planting permitted is meager. He said that it looks good on paper, but in practice covers very little. He said that only evergreens could have been required, but over time will also become useless.

Karl Rutherford pointed out that in the event of a fire, everything would be lost.

Al Levy asked for confirmation that so long as the effect is achieved it would be satisfactory.

Karl Rutherford suggested the word translucent instead of opaque.

Mark Hermodson pointed out that opaque only refers to fencing.

Karl Rutherford said that the discussion has taken the direction of applying the opaque to the landscaping. He mentioned that everyone agreed that looking through trees and bushes was not offensive.

Jack Rhoda stated that the opaque should be left in the fencing.

Karl Rutherford agreed. He suggested, "continuous translucent landscaping".

Mark Hermodson said that he is in favor of leaving the landscaping in, but specifying the plant units in linear terms.

James Hawley pointed out that starts of plant materials are small. He said that if that were the case, the six-foot high requirement would have to include a deadline of when it would be six-feet high. He referenced prior ordinances with the same requirement. He said that the first couple of years it would have no effect.

Karl Rutherford asked for clarification on what was being suggested.

James Hawley stated that they might want to select one of the options that lists the type of plants. He said they could specify an alternative from Appendix E1 as the proposed equal and continuous landscaping. He said that E1 has all the alternatives from 1-5 and they vary in types of plants. E1 also specifies height and size.

Jan Mills asked for clarification of James Hawley's suggestion.

James Hawley explained that the bufferyard type with alternatives for the planting could be already established in the ordinance. He said that would prohibit them from picking one from the list, they would have to use a specific alternative with the type and size defined.

Karl Rutherford asked for clarification on James Hawley's suggestion. He said that he would be willing to agree but he does not follow the wording.

James Hawley reviewed and explained the different alternatives available.

Karl Rutherford stated that option A looked too sparse and options B and C seemed appropriate.

Several members agreed.

James Hawley stated that you could use any of the alternatives in a type B buffer yard.

Karl Rutherford asked if any of 1-5 could be used. He said that alternative one did not seem adequate.

James Hawley stated alternative 5 is probably not adequate either.

Mark Hermodson and Jan Mills stated that options 3 and 4 seemed the best.

Jan Mills suggested the wording "type B alternative 3" so that it is very specific.

Karl Rutherford suggested, "type B or C using alternatives 3 or 4.

Mark Hermodson stated that would allow bushes down low and trees above.

James Hawley pointed out that the most common choice would probably be type 3 because it requires the least material.

Mark Hermodson stated that it would fulfill this purpose.

Karl Rutherford asked if that sounded good to Al Levy and Ron Highland.

Jack Rhoda asked if a motion to amend was needed.

James Hawley suggested seeing another draft brought before the Ordinance Committee first.

Kathy Lind suggested “continuous landscaping meeting the standards of bufferyard B using alternative 3 or 4”.

Jan Mills said to leave in “any combination of these”.

Kathy Lind agreed.

IV. CITIZEN COMMENTS

V. ADJOURNMENT

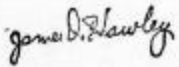
Karl Rutherford moved to adjourn. Jack Rhoda seconded and the motion passed by voice vote.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley, AICP
Executive Director